

Appl. No. : 09/890,416
Filed : July 27, 2001

REMARKS

New Claims 30-36 have been amended. As a result, Claims 11 and 19-36 remain pending in the present application. Support for the amendments is found in the specification and claims as filed. Accordingly, the amendments do not constitute the addition of new matter. Reconsideration of the application in view of the foregoing amendments and following comments is respectfully requested.

New Claims 30-36 have been and are directed to “a method for preventing or treating any of menopausal or postmenopausal diseases accompanied by a decrease in bone weight in a mammal comprising suppressing lowering bone density in said mammal.”

As shown below, one embodiment, resveratrol, has an effect of suppressing lowering bone density in a patient with menopausal or postmenopausal diseases. The effect is shown in Experimental Example 1, especially Table 1, of the specification, as evidenced by the enclosed article by Ezawa (*J. Jpn. Soc. Nutr. Food Sci.*, Vol. 49, 247-257 (1996)) with a partial English language translation.

Chapter 3 of Ezawa discloses that calcium content of the femur in the rats without ovary (OVX group) was significantly lower than that of rats with ovary (Sham group). Since Ca content in a bone correlates closely with bone density, Ezawa teaches that ovariectomizing causes decrease of bone density. Experimental Example 1, by contrast, discloses that there is no significant difference in the bone density of between the rats without ovaries fed with food containing resveratrol (resveratrol group) and that of sham group.

Ezawa teaches that ovariectomizing causes significant decrease of bone density, nonetheless, ovariectomizing rats that were fed resveratrol did not show significant decrease of bone density in Experimental Example 1. Accordingly, Claims 30-36 directed to “a method for preventing or treating any of menopausal or postmenopausal diseases accompanied by a decrease in bone weight in a mammal comprising suppressing lowering bone density in said mammal” are supported by the data in the specification teaching that resveratrol can suppress decrease of bone density caused by ovariectomizing.

Moreover, Claims 30-36 are patentable over the cited prior art of record in the Office Action mailed November 24, 2004. The Examiner relied on Mizutani et al. to show that

Appl. No. : 09/890,416
Filed : July 27, 2001

resveratrol directly stimulates cell proliferation and differentiation of osteoblasts *in vitro*. Similarly, the Casper reference discloses the use of resveratrol for osteogenic cell differentiation and mineralized bone formation. CN 1127070 discloses a laundry list of ingredients for a composition and asserts numerous conditions that can be treated with administration of the composition.

While Claims 30-36 are directed to "a method for preventing or treating any of menopausal or postmenopausal diseases accompanied by a decrease in bone weight in a mammal comprising suppressing lowering bone density in said mammal," the prior art teaches that bone formation is a result of a direct stimulatory effect on bone formation. Accordingly, the cited prior art do not show that resveratrol can suppress decrease of bone density caused by ovariectomizing by suppressing lowering bone density in a mammal. As such, Claims 30-36 are patentable over the cited prior art.

CONCLUSION

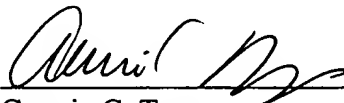
In view of the foregoing amendments and comments, it is respectfully submitted that the present application is fully in condition for allowance, and such action is earnestly solicited.

The undersigned has made a good faith effort to respond to all of the rejections in the case and to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully invited to call the undersigned in order to resolve such issue promptly.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 16, 2005

By: 
Connie C. Tong
Registration No. 52,292
Agent of Record
Customer No. 20,995
(949) 760-0404

1764678:ccb 061605